DEPARTMENT OF DEFENSE SOURCE SELECTION
PROCEDURAL AMBIGUITIES

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TABLE OF CONTENTS

DEDICATION ......................................................................................................................... iii
ACKNOWLEDGEMENTS ........................................................................................................ iv
ABSTRACT .............................................................................................................................. v
ACRONYMS ........................................................................................................................... vi
INTRODUCTION .................................................................................................................... 1
DEFENSE ACQUISITION RESEARCH JOURNAL ARTICLE .................................................. 4
CONTRACT MANAGEMENT MAGAZINE ARTICLE .............................................................. 48
BIBLIOGRAPHY ..................................................................................................................... 65

APPENDICES

  APPENDIX A - INTERVIEW GUIDE .................................................................................... 67
  APPENDIX B - CODEBOOK ............................................................................................... 69
  APPENDIX C - CONSENT FORM ....................................................................................... 70
DEDICATION

This thesis is dedicated to the four intelligent and beautiful ladies in my life, my wife Gerri, and my daughters Haley, Morgan, and Sidney. Without your love and support I would not have been able to finish this goal. I look forward to witnessing the positive impacts each of you will have on the world.

I also dedicate this work to the men and women of the United States Armed Forces. Your sacrifice and efforts for the freedoms we take for granted will never fully be recognized or repaid, but your dedication to Duty, Honor, and Country is admirable. I salute each and every one of you.
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I want to thank all of the confidential interviewees who agreed to respond to my questions. I truly appreciate your time and thoughtful responses. You are all Department of Defense professionals that work tirelessly every day in providing support to the warfighter. I would like to thank my friends and cohort mates in providing support, motivation, and most importantly, levity in completing this research. We laughed many times in the face of stress and deadlines.

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ABSTRACT

The purpose of this research is to identify areas of weakness within the DoD Source Selection Procedures and related guidance and to provide recommendations for improvements to the process. The goal of this research is to understand the steps and any ambiguities or areas of discretion within the source selection process.

Underlying this research goal is a proposition: DoD Source Selection Procedures contain ambiguous language that constrains the ability of acquisition personnel to conform to established procedures in a consistent and timely manner. Ambiguous language can come in the form of unclear direction or missing verbiage in the procedures. This proposition may eventually lead to formal protests from prospective contractors due to mistakes or misapplication of procedures, thereby lengthening source selections, which could increase costs. Recommendations for improvements include encouraging subjective evaluations, increasing key source selection members’ qualifications, clarifying definitions, shortening source selection timelines, and consolidating source selection guidance.
ACRONYMS

A&AS – Advisory and Assistance Services
ACAT – Acquisition Category
CSAR-X – Combat Search and Rescue replacement vehicle program
DAU – Defense Acquisition University
DFARS – Defense Federal Acquisition Regulation Supplement
DoD – Department of Defense
DPAP - Defense Procurement and Acquisition Policy
DSMC – Defense Systems Management College
FAR – Federal Acquisition Regulation
FFRDC – Federally Funded Research and Development Center
GAO – General Accounting Office
GS – General Schedule
JAT – Joint Analysis Team
KC-X – Aerial refueling tanker program
LPTA – Low Priced Technically Acceptable
MIRT – Multi-Functional Independent Review Team
NPS – Naval Post Graduate School
OCI – Organizational Conflict of Interest
OSD – Office of the Secretary of Defense
PAR – Proposal Analysis Report
PCO – Procuring Contracting Officer
PGI – Procedures, Guidance and Information
RFP – Request for Proposal

PMO – Program Management Office

Section L – Instructions, Conditions, & Notices to Offerors or Quoters

Section M – Evaluation Factors for Award

SES – Senior Executive Service

SSA – Source Selection Authority

SSAC – Source Selection Advisory Council

SSEB – Source Selection Evaluation Board

SSP – Source Selection Plan

SST – Source Selection Team
INTRODUCTION

The Department of Defense (DoD) is one of the world's largest acquirers of services and supplies, some of them involve cutting-edge technologies. In order to accomplish complex acquisitions, formal source selection procedures are in place to ensure fairness and equity when selecting offerors to build systems. Even with the most stringent processes in place, it has become evident that the complexity of the source selection process and discretion allowed decision makers are causing unforeseen problems. These problems are costing taxpayers money due to schedule delays and protests from unsuccessful offerors.

The DoD has been examining this problem for decades and continues to refine processes that affect efficiencies. Many excess costs are attributable to lengthy source selections. Research is needed to determine the extent of ambiguous steps within the DoD’s source selection procedures. Due to shrinking DoD budgets, the department needs to simplify source selection procedures and limit execution discretion decision makers have in selecting successful offerors. These refinements will enable the DoD to save critical taxpayer dollars.

The purpose of this research is to identify areas of weakness within the DoD Source Selection Procedures and related guidance and to provide recommendations for improvements to the process. The goal of this research is to understand the steps and any ambiguities or areas of discretion within the source selection process. Underlying this research goal is the proposition that DoD Source Selection Procedures contain ambiguous language that constrains the ability of acquisition personnel to conform to established procedures in a consistent and timely manner. Ambiguous language can come in the form of unclear direction or missing verbiage in the procedures. This proposition may eventually lead to formal protests from prospective contractors.
due to mistakes or misapplication of procedures, thereby lengthening source selections, which could increase costs.

Studies have shown that inefficient and ineffective source selection procedures cause cost and schedule overruns, which lead to delays in delivering capabilities to the warfighter. Uncertain fiscal times make the proposed problems with source selection procedures worse due to the instability of funding from the President’s budget. When source selections overrun either cost or schedule, the effects are felt by warfighters in the field. Delaying or cancelling capability modernizations or new weapons systems can have devastating consequences to national security.

Recommendations for source selection improvements will come as a result of document review and interviews. These methods exposed trends in ambiguous and/or inefficient language or processes. Recommendations for changes to DoD source selection procedures are made to add, delete, or modify the process to simplify procedures while minimizing discretion of senior decision makers in determining the steps in conducting a DoD source selection. This research examined the DoD Source Selection Procedures and referenced documents.

This thesis addresses these concerns primarily in two DoD acquisition industry publications: the Defense Acquisition Research Journal (DARJ) and Contract Management (CM) Magazine. These publications are a central source of current issues within the DoD acquisition system. According to the DARJ, their purpose is to, “…to make researchers aware of the topics that are, or should be, of particular concern to the broader defense acquisition community throughout the government, academic, and industrial sectors. The purpose of conducting research in these areas is to provide solid, empirically based findings to create a broad body of knowledge that can inform the development of policies, procedures, and processes in defense acquisition, and to help shape the thought leadership for the acquisition community”. CM magazine,
“Written and edited specifically for contract management professionals, and established in 1977, CM is NCMA’s flagship publication, providing comprehensive reporting on current issues and trends relevant to both public and private sectors”. Together, these publications reach a majority of the DoD acquisition workforce and encourage policy and process changes.

This research was limited in scope and did not address a variety of DoD source selection topics that are worthy of further exploration. Although not a part of this research, the subject of inherent human biases regarding daily interactions with defense contractors and their impacts on evaluations is a significant source of concern. This research also did not address military agency supplements since the DoD guidance is the overarching source for acquisition procedures and process. Further research is warranted into military agency variations to the DoD Source Selection Procedures and their impacts to cost and schedule. These issues are candidates for further research and questioning.
Department of Defense Source Selection Procedural Ambiguities: Making the Right Choice

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ABSTRACT

“Department of Defense Source Selection Procedural Ambiguities: Making the Right Choice”

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The purpose of this research is to identify areas of weakness within the DoD Source Selection Procedures and related guidance and to provide recommendations for improvements to the process. The goal of this research is to understand the steps and any ambiguities or areas of discretion within the source selection process.

Underlying this research goal is a proposition: DoD Source Selection Procedures contain ambiguous language that constrains the ability of acquisition personnel to conform to established procedures in a consistent and timely manner. Ambiguous language can come in the form of unclear direction or missing verbiage in the procedures. This proposition may eventually lead to formal protests from prospective contractors due to mistakes or misapplication of procedures, thereby lengthening source selections, which could increase costs. Recommendations for improvements include encouraging subjective evaluations, increasing key source selection members’ qualifications, clarifying definitions, shortening source selection timelines, and consolidating source selection guidance.
Two-line Summary

Department of Defense Source Selection Procedures contain ambiguous language, which inhibits acquisition professionals from consistently applying well-intentioned processes.
Keywords

Source selection procedures, ambiguities, discretion, source selection process
Background

The Department of Defense (DoD) is one of the federal government’s largest acquirers of services and supplies, third only to the Department of Homeland Security and the Social Security Administration. By awarding over a million contractual transactions totaling in the hundreds of billions of dollars each year, the DoD is faced with establishing clear, concise, and consistent guidance for acquisition personnel to follow when selecting contractors. To address this issue, formal source selection procedures were issued in 2011 to assist agencies in conducting source selections for negotiated, competitive acquisitions. These procedures seek to avoid repeats of sustained protests as the Air Force saw in 2008 with the KC-X aerial refueling tankers and in 2007 with the Combat Search and Rescue aircrafts. While there were several procedural issues in each of those protests, the DoD sought to standardize the way supplies and services were acquired. Because source selections have such a significant impact on both industry and mission requirements, the DoD should clarify the procedures to eliminate unintended discretion and ambiguities by examining the source selection process, closing procedural gaps, and establishing long-term training plans for source selection team members to build a renewable knowledge base.

The DoD recognized that centralized source selection procedures were needed to standardize how business is conducted to avoid repeats of the tanker modernization (KC-X) and combat search and rescue replacement vehicle programs (CSAR-X). Current fiscal realities dictate that there is a limited amount of money to conduct an acquisition once let alone more than once if a protest is filed and sustained. In fiscal year 2012, the DoD awarded contracts in excess of $366 billion, with 57% of those dollars being award by way of competition. The department recognized the significant volume and size of these contracts and took the step of
centralizing the process of selecting contractors. In March 2011, the Defense Procurement and Acquisition Policy (DPAP) office published the *Department of Defense Source Selection Procedures* to be used when “…conducting negotiated, competitive acquisitions” utilizing Federal Acquisition Regulation Part 15. These procedures are the result of the Source Selection Joint Analysis Team, which was established on November 10, 2008 by the Under Secretary of Defense (Acquisition, Technology and Logistics) to standardize how acquisition professionals select offerors that are interested in doing work for the government.

The focus on process standardization created unintended negative procedural consequences for acquisition professionals on source selection teams (SSTs). The negative consequences come in a variety of forms ranging from evaluation team confusion to documentation results that do not adequately describe the evaluation. Ambiguous language in process steps or definitions of key terms can lead to confusion or hesitation on the part of the Source Selection Evaluation Board (SSEB). The results of confusion or incorrect interpretation of processes can lead to proposal evaluation inconsistencies and subsequent protest from offerors. Acquisition professionals involved in source selections are responsible for ensuring that procedures are followed in a manner that ensures fair and equitable treatment among all offerors. This is not an easy task due to the variety of systems the DoD acquires and the associated reviews that are mandated.

The DoD acquisition system is charged with formalizing the business relationship with the developer/producer and the government. Since the DoD purchases supplies and services ranging from information technology computer systems to cutting-edge weapons systems, acquisitions can range in cost from a few million dollars to multi-billion dollar efforts. They are
divided into Acquisition Categories (ACAT) levels by dollar amount and type of supply or service being acquired.

Depending on the ACAT level, the procedures used to select a successful offeror may be more involved and require additional oversight. Larger dollar value acquisitions require more reviews at higher levels within the DoD in order to both release a request for proposal (RFP) and to select an offeror for contract award. The DoD created numerous reviews to ensure source selection teams have created an RFP that is representative of the government’s needs as well as to avoid accusations of impropriety, which typically comes in the form of a protest.

Protests are formal accusations of unfairness from an offeror or offerors that were not awarded a contract. The most common accusation contained in protests is one of procedural missteps or unfair treatment. Protests are typically filed with the General Accounting Office (GAO) and can delay source selection schedules significantly, even if the offeror is unsuccessful in the litigation. The DoD created, and continues to refine, source selection procedures to avoid protests from unsuccessful offerors, and if unable to avoid a protest being filed, then successfully counter accusations. Protests cost the DoD in both time (schedule) and money due to the complex legal issues and subsequent GAO hearings for each accusation.

Even with the most stringent processes in place, it has become apparent that ambiguities within the process are causing unforeseen problems. These problems are costing taxpayers due to schedule delays, re-work, and possibly protests from unsuccessful offerors. The DoD has been examining this problem for decades and continues to refine processes to make it more efficient and effective. A large portion of excess costs are due to lengthy source selections. Due to shrinking DoD budgets, the department’s need to identify efficiencies and improvements source selection procedures that save critical taxpayer dollars and subsequent schedule.
Studies have shown that inefficient and ambiguous source selection procedures cause cost and schedule overruns, which lead to delays in delivering capabilities to the warfighter. Uncertain fiscal times make the proposed problems with source selection procedures worse due to the instability of funding from the President’s budget. When source selections overrun either cost or schedule, the effects are felt by warfighters in the field. Delaying or cancelling capability modernizations or new weapons systems can have devastating consequences to national security.

The purpose of this study is to understand the impacts of DoD source selection procedures on schedule. The goal of this study is to identify the impacts of procedural ambiguities within the DoD source selection process and provide recommendations for improvement. Underlying this research goal is the following proposition: DoD source selection procedures are ambiguous to the point that the ability to consistently conform to the established procedures has become a challenge for acquisition personnel. This inconsistent application is causing impacts to cost, schedule, and warfighter needs in a variety of ways.

The recommendations presented here will improve DoD Source Selection Procedures by reducing ambiguous language, strengthening key source selection personnel qualifications, shortening evaluation timelines, and consolidating guidance in a single reference.

Summary of the Literature

The DoD developed source selection procedures in response to the way military branches were conducting acquisitions. The procedures are designed to create a standard roadmap for acquisitions of all dollar values, but importance is placed on the larger valued efforts due to the dollar impacts of source selection overruns. Simplicity in how procedures are implemented by acquisition personnel is a critical step of source selection enhancements, but unfortunately each
recommended improvement comes with implementation confusion within the acquisition community. These problems occur because policymakers develop procedural improvements with little interaction with acquisition professionals in Program Management Offices.

The Under Secretary of Defense (Acquisition, Technology and Logistics) established the Source Selection Joint Analysis Team (JAT) in 2008 to standardize the methodology of competitively negotiated source selections. The JAT returned with the results being published as the *Department of Defense Source Selection Procedures*. The largest changes were the standardization of evaluation ratings for each offeror’s technical approach as well as past performance information. These improvements attempt to clarify procedures for acquisition personnel performing source selections.

The government chooses the offeror providing the best value whether the acquisition strategy is “low price technically acceptable” or “full trade off”, which means technical performance can be traded for cost. The Source Selection Authority (SSA) determines the best value for the government. Additional JAT changes to DoD source selection procedures included the mandatory formation of a Source Selection Advisory Council (SSAC) for acquisitions over $100 million and the need for a comparative analysis report and award recommendation. The SSAC is a body of senior military and civilian leaders who work to advise a Source Selection Team on strengthening documentation and on procedural missteps that could weaken the government’s position in case of a protest from industry.

The guidance does standardize procedures for selecting contractors, but the improvements are based on processes that have proven to be complex in the past. Part of the problem is the lack of understanding and experience among acquisition personnel on what steps are required to select a contractor due to the ambiguity of the procedures and discretion of the
SSA. A complete review, while completed numerous times before, would be a critical step in understanding the process in order for a thorough examination to take place for possible efficiency improvements. The DoD continues to struggle to find the optimal balance between being overly complex and creating an equitable acquisition system.

The DoD constantly examines processes to educate program managers on source selection procedures. The Defense Acquisition University (DAU) presented a paper at its 2011 DoD Procurement Conference and Training Symposium that described the DoD source selection process. DAU is the accredited university and training arm of the DoD that trains acquisition personnel in all facets of source selections. The presentation walked through the acquisition process and involved leaders from across the DoD. The DPAP Director co-hosted the symposium and this was critical due to the fact that DPAP oversees all acquisitions over $500 million. The DAU has taken significant steps in attempting to resolve DoD source selection problems through education and training.

As a key member of the symposium, DAU presented opportunities for source selection improvements to hundreds of DoD acquisition professionals. Source selections courses are a very specific subset of on-going DAU training, but required for all Program Managers. The DAU is not the only place for lessons to be learned in improving the process. Organizations such as the Naval Post Graduate School and Defense Systems Management College are two other DoD entities that work to examine source selection processes and train acquisition personnel. Most of the best lessons learned come from unsuccessful source selections, where protests to the General Accounting Office are sustained against the government.

Unsuccessful offerors occasionally protest source selection results. Steven Maser examined what happens when unsuccessful offerors protest source selection decisions.
Typically, protests are the normal avenue of recourse if an offeror feels that they were treated unfairly during a source selection. Protests are accusations from offerors that government source selection teams did not evaluate their proposal in accordance with the criteria established in the Request for Proposal (RFP). Protests can delay contract award from four to six months while the General Accounting Office investigates the accusations. Occasionally, protests can result in program cancellation.

The lack of transparency between the government and offerors within DoD source selections has continued to be a source of frustration for both parties. Maser found that the government frequently withholds information from offerors for fear of providing fodder to them when and if a protest is filed. Of particular note in Maser’s report are the 50 interviews he conducted with a variety of functional experts. His methodology used interviews with acquisition experts to find reform suggestions, improvements, and changes. The experts spanned a variety of positions both within and outside of the government. Maser’s report stresses that openness and transparency are in line with President Obama’s goal of transparency across the federal government. His recommendations are all based on open communications with offerors, which could mitigate protest risk. Protests are an unfortunate part of the DoD acquisition process, but identifying why protests are filed is a critical data point in optimizing the source selection procedures. Some of the best learning experiences for the DoD can be found in its biggest failures. One of the biggest DoD source selection evaluation mistakes was the KC-X aerial refueling program.

The KC-X program is an example of the complexity of DoD acquisitions. Collin Paschali critiques the DoD acquisition system while pointing out two critical flaws, the culture of the DoD to make any realistic change and the quality of the acquisition workforce. He uses the
KC-X aerial refueling tanker to make his point. Paschall’s issues lie not only in the inefficiencies in the system, but mostly in the people who pay the price the most, the warfighter. Without efficient systems, capabilities are not making their way to the battlefield. Paschall points out that these are not only new multi-billion dollar technology systems, but also critical upgrades to existing systems already in the field. He walks through the KC-X source selection troubles and demonstrates the domino effect that eventually affects national defense. Transparency and openness should be key pillars of acquisition reform in refining the source selection process.

Steven Maser and Fred Thompson\textsuperscript{18} investigated the issue of conflict between the government and contractors during the source selection process.\textsuperscript{19} Their report focuses on communication with industry and how misinformation can lead to spirals of conflict, thereby increasing the probability of bid protests from unsuccessful offerors. Over 25 different members of the acquisition community were interviewed by Maser and Thompson to include the General Accounting Office (GAO), executives from defense contractors, lawyers, program managers, and contracting officers.

Maser and Thompson found that discretion by acquisition professionals interpreting DoD source selection procedures was causing a variety of negative interactions between the government and offerors. When offerors are unsuccessful in proposing on an acquisition, source selection procedures afford them a debriefing, if requested. These debriefings varied in depth and detail from a single presentation slide with minimal information delivered from a government contracting officer to a detailed two-day briefing provided by a multi-functional government team consisting of contracting officers, program managers, engineers, and attorneys.

Maser and Thompson lay out recommendations for improving communication. All the recommendations revolve around transparency and well-trained government acquisition
members. Enacting these steps, states Maser and Thompson, will reduce the probability of bid protests, thereby allowing programs to be awarded in a timely manner. These recommendations only scratch the surface of the need for transparency between the government and industry. Most government agencies operate in an atmosphere of fear of protest, but the process can be improved with increased communication as Maser and Thompson offer. The only missing recommendation is the mandate for government agencies to improve communications with industry. The decision to hold information back continues to remain in the DoD culture and this discretion is part of the problem.

Maser and Thompson spoke to many high-level government executives, including experts in many different functional areas of source selections, to gather their perspectives on the openness of DoD source selections. These individuals all indicated an issue with trust from both the government and the offerors during a source selection. Maser and Thompson give an example of how source selection procedures drive government acquisition professionals’ behaviors in a negative way. When a source selection concludes, there are unsuccessful offerors who submitted proposals. These unsuccessful offerors are required to be offered a debriefing. A debriefing is a situation where the government explains to the unsuccessful offeror why their proposal was unsuccessful. Government officials have a significant amount of discretion in how much information to disclose.\(^{20}\) The scope of information exchange ranges from a few PowerPoint charts drafted by an attorney to a team of government officials visiting an offeror’s facility to fully explain in detail why a proposal was insufficient. Of course unsuccessful offerors want more information rather than less and frequently make their protest decision based on the amount of information provided. Maser and Thompson’s report provides a different perspective to consider when developing source selection procedure improvements. Conducting a multi-
billion dollar source selection does create an atmosphere of mistrust as Maser and Thompson describe.

Maser and Thompson looked at DoD source selections from a perspective of building trust. They conclude that government acquisition is rife with mistrust and most of the time the mistrust is based on a lack of open information sharing. Unfortunately, source selection procedures create the environment where sharing information is neither encouraged nor wanted. This lack of information exchange only feeds the feelings of mistrust and many time offerors make protest decisions based on those perceptions. Source selection procedures are established to standardize evaluations of offerors and to inject fairness in the acquisition process. The very procedures designed for fairness are often used to hold information back when used incorrectly. In the pursuit of attempting to fend off potential protests, the DoD appears to run their source selections with secrecy, which ends up being counterproductive.21

Low priced technically acceptable (LPTA) source selections drive how the DoD makes decisions. LPTA acquisitions are based on awarding contracts to offerors who meet a minimum set of requirements with the lowest price. The acquisition strategy behind these decisions is not always made with logical reasons in mind. Often times, budgetary restraints force LPTA type of acquisitions. The government will typically fit the contract and acquisition type to the budgetary environment instead of the other way around.

Ralph Nash22, Vernon Edwards23, and Steven Briggerman24 found a 20% increase in protests even after reform of source selection procedures.25 They summarize their recommendations for improving source selections and reducing protests by standardizing evaluation criteria. Revised DoD source selection procedures address this issue, but problems still exist. Complexity within the process is increasing protest risk. This increase is costing the
government tens of millions of dollars every year. The first step in mitigating award protest is to
develop an RFP that has clear criteria from which offerors make their proposals.

Paschall’s focus narrows in on the Request for Proposal (RFP) and the subsequent source
selection. Paschall presents areas for improvements such as enhanced planning for the RFP and
adherence to Federal Acquisition Regulation processes. From the perspective of acquisition
personnel, Paschall’s recommendations may appear obvious, but stress and schedule pressures
experienced by program managers, however, makes the suggestions a challenge to implement.

The KC-X program provides an unfortunate case study in problems of the DoD source selection
procedures. Before initiating any future source selections, the DoD has made it mandatory that
acquisition teams review the KC-X lessons learned. Unfortunately, the mistakes of previous
programs such as the KC-X do not provide clear guidance for programs moving forward. Clear
and unambiguous procedures need to be developed that allow Program Managers to acquire
systems without overly complex processes. Source selections are comprised of many factors to
determine which offeror provides the best value to the government. Past performance
information, much like a personal credit report, provides the government insight as to how an
offeror performed on similar contracts in the past. This information can save the government
from potential future problems by using past performance information in the selection process.

James Bradshaw and Su Chang focus on how prospective offerors performed in the past
to indicate how they may perform on new efforts under source selection. They criticize source
selections for not putting the proper emphasis on past performance and too much on technical
capabilities proposed. Bradshaw and Chang believe that more robust past performance,
indicators such as the qualifications of key contractor personnel, can increase the probability of
program success. They acknowledge that technical ability should remain a key pillar of any
source selections, but past performance focus and importance needs to increase. Lastly, Bradshaw and Chung argue that the government is ill equipped to store past performance data in such a way as to be productive. There are systems in place, but they do not coordinate or provide real-time data.

Past performance information is required to be evaluated during each DoD source selection, but the level of applicability varies from superficial to extremely detailed. The conference paper submitted by Bradshaw and Chung adds another perspective of the best way to conduct a DoD source selection. There are many moving parts in conducting a source selection and past performance data, while important, may not be the most critical discriminator for a particular source selection. The Bradshaw and Chung paper is valuable in its perspective of evaluation criteria. Establishing clear guidance for past performance will be crucial in laying out effective and efficient source selection procedures. The same applies to other evaluation criterion as well.

A review of the literature demonstrates a continual need for procedural examination and refinement. The studies show areas for improvement from communications with offerors to the proper use of past performance as an evaluation criterion. Each research effort focuses on specific areas of the procedures, but does not look at the process in its entirety. The research in this article examines the process of conducting a source selection and identifies areas that are ambiguous or unclear in their direction. Locating and correcting ambiguous language in the procedures will assist evaluation teams in conducting efficient and effective source selections.

**Research Methods**
The goal of the research was to investigate the ambiguities of DoD source selection procedures and process and make recommendations for improvement. While all ACAT levels are important, this research focused on ACAT I programs and their associated processes. The research did not examine supplements to the Defense Federal Acquisition Regulation Supplements (DFARS) or other agency-level procedures. All documents were at the DoD level with the assumption that agency supplements and procedures will naturally change if the DoD source selection process is changed by DPAP.

To determine the presence of ambiguities within the procedures, this study research consisted of a mixed methods study, which included interviews with DoD acquisition personnel and reviews of procedures, regulations, and other policies that direct the source selection process. The document review involved analysis of DoD source selection guidance, Federal Acquisition Regulation (FAR)\textsuperscript{29}, DFARS\textsuperscript{30}, Procedures, Guidance and Information (PGI)\textsuperscript{31}, and policy memorandum references to fully research the questions. Previous studies utilized sources that examine the environment in which acquisition professionals operate daily and this information was extremely valuable in reviewing previous attempts at source selection reforms. Interviews filled in knowledge gaps within the procedures and regulatory guidance by gathering the views and opinions from a variety of experience-leveled acquisition professionals. This study compared the steps required in the procedures with interview responses to determine if acquisition personnel are executing procedures consistently. The goal was to create recommendations for improvements to the current DoD source selection procedures.

**Document Review Results**
With the document entitled, *Department of Defense Source Selection Procedures*, an individual should expect to find a single reference for source selection guidance. However, the DoD source selection processes and procedures are not consolidated in a single document. The guidance is fractured across several sources. Four documents related to source selection guidance were thoroughly examined as a result of this research. They include the *Department of Defense Source Selection Procedures*, *Federal Acquisition Regulation Part 15.3*, *Defense Federal Acquisition Regulation Part 215.3*, and *Procedures, Guidance, and Information*. Other FAR references were briefly examined if they were referenced in one of the primary documents listed above. These documents form the foundation of conducting source selections within the Department of Defense and were the subject of this research. There are policy memorandums, e-mails, and other directives that were not examined as a result of this research. The main document under examination was the *Department of Defense Source Selection Procedures*.

A thorough inspection of the DoD procedures demonstrated a document that provided general guidance for DoD acquisition professionals to navigate a source selection, but did not give step-by-step instructions. The process is meant to be subjective, but source selection personnel must be experienced to know how best to use the discretion in their evaluation. The other option is to have objective criteria, which may be appropriate for some acquisitions, but definitely not all. The procedures are clear that their purpose is, “…for conducting competitively negotiated source selections and outlines a common set of principles and procedures for conducting such acquisitions.”¹³² They are successful in outlaying the principles of delivering capabilities to the warfighter and nation in a timely and quality manner, but the procedural aspects of the purpose require refinement. The procedures only provide an overview of roles and responsibilities of key source selection leaders.
The procedures lay out the generic roles and responsibilities of key source selection leaders such as the SSA, the SSAC, the SSEB, advisors, and Procuring Contracting Officer (PCO) (See Figure 1). The descriptions of participants’ authority, while admirable goals, are not realistic to be put in practice. Of key importance are the responsibilities of the SSA.

**Roles and Responsibilities**

*Source Selection Authority (SSA)*

The SSA is the single decision maker in a source selection and the procedures make this responsibility clear. Regardless of whether the SSA is the PCO for acquisitions under $100 million or a higher rank or position for larger acquisitions, it is without question that they hold the final evaluation decision. All of the SSA roles and responsibilities are clear with one exception. Paragraph 1.4.1.2.3 states that the SSA will:

- Ensure that personnel appointed to the SST are knowledgeable of policy and procedures for properly and efficiently conducting the source selection. Ensure the SST members have the requisite acquisition experience, skills, and training necessary to execute the source selection, and ensure the highest level of team membership consistency for the duration of the selection process.  

This requirement of the SSA is neither within their complete control nor manageable depending on the level of SSA. It is not feasible for the SSA to approve the qualifications and experience of each SST member. This becomes more manageable with lower dollar acquisitions, but ACAT I program SSAs will not be able to accomplish this requirement. The SSA must depend on the SSEB Chairperson to form a team that meets the requirements of the source selection procedures. But, the SSEB Chairperson may not have the authority or the access to experienced
and qualified members either. The reality is that many SSTs are established with the best 

*available* people upon approval of the SSA. The subtle distinction is important since it means that SSAs may or may not comply with the procedures. Of course they will sign a Source Selection Plan (SSP) that ultimately approves the team, but this should not be confused with the realities of access to experienced and qualified personnel. Unfortunately, this responsibility is critical for the success of any source selection.

Having unqualified or inexperienced SST members can and has caused considerable issues for some acquisitions in source selection.

**Source Selection Advisory Council (SSAC)**

The role and composition of the SSAC are clearly defined in the Source Selection Procedures. From when establishment of the council is mandatory to their relationship with the SSEB, the responsibilities are established. The procedures state that the SSAC will review the evaluation results of the SSEB. This could be construed as a passive role, but in reality, they are in place to advise the SSEB based on their previous functional experiences.

**Source Selection Evaluation Board (SSEB)**
The procedures articulate the role of both the SSEB Chairperson and the SSEB members in a clear and concise manner. Similar to the responsibility of the SSA, paragraph 1.4.4.2.1.3 states that the SSEB Chairperson shall, “…Ensure the skills of the personnel, the available resources, and time assigned are commensurate with the complexity of the acquisition.” Again, like the SSA, the SSEB Chairperson is limited not only in the skill mix of personnel, but even the availability of personnel.

The situation of limited manning is exacerbated by the reality of Federally Funded Research and Development (FFRDC) and Advisory and Assistance Services (A&AS) mission partners, who carry a significant portion of the program management office (PMO) workloads to assist organic capabilities. FAR 7.503(d)(8) effectively clears contractors to provide technical evaluation of contractor proposals, but FAR 37.2, *Advisory and Assistance Services*, makes a daunting manpower task even worse by requiring the Head of the Agency to look across all federal agencies for manpower to fill a need before approving the use of A&AS personnel on a source selection. This direction encourages an efficient and effective use of government organic resources, but it is not based on reality of today’s federal agencies. Taken literally, the requirements of FAR 37.2 would require the Head of the Agency to contact every other agency head to see if they had the requisite skills to assist in a source selection. There is, of course, a caveat that the cost of the search needs to be considered against the benefits it will provide when taking the aforementioned action.

*Procuring Contracting Officer (PCO)*

The authorities and responsibilities of the PCO are clearly written throughout the FAR and Source Selection Procedures. The challenge for PCOs is that the typical grade differential
between PCOs and other senior members of the SSEB, SSAC, and SSA on large dollar acquisitions is fairly significant. Typically, an ACAT I source selection will have a General Officer as the SSA, General Officers and Senior Executive Service (SES) personnel on the SSAC, a GS-14 or GS-15 SSEB Chairperson, and the PCO is normally a GS-13. The challenge arises in that only the PCO has the authority to obligate the government, but they will face significant influence from other source selection leaders. This is not a new problem for the contracting functional workforce, but does add pressure to ensure that experienced and qualified PCOs are appointed to large acquisitions.

**Advisors**

The roles and responsibilities of advisors are not as clear in the procedures and may actually contradict other FAR references. It is clear that government advisors can fill practically any role the SSA requires, provided there is no indication of an organizational conflict of interest (OCI) due to family, close friends, or financial holdings in an affected company. The conflict arises with the use of non-government advisors. The procedures state that the, “Use of non-Government personnel as advisors may be authorized, but should be minimized as much as possible.” The sentence itself is indifferent to the realities experienced in PMOs. We have already determined that experienced and qualified manpower may be difficult to find, but encouraging SSAs and SSEB Chairpersons to look elsewhere for skills is unachievable because agencies are not set up to share resources across such a large organization.

The reality of large dollar source selections is that a completely experienced and qualified SST is unlikely due to availability of manpower. But the probability of a completely experienced and qualified *organic* SST is zero. Contract support is the by product of decisions to reduce the
civilian and military workforce, but regulations and guidance have not appeared to have caught up with the realities of conducting today’s large dollar source selections.

Legal Counsel

Noticeably absent from any discussion of roles and responsibilities within the procedures is a reference to source selection legal counsel. It is a natural assumption that the SSA approves the qualifications and experience of legal counsel by default with approval of the SSP. As with other members of the SST, the SSA only has so much validation of resources. Legal counsel is an integral part of the SST and is required, smartly so, to review documentation to ensure it is legally sufficient. The position appears to be viewed as almost an oversight in the procedures by not assigning or delineating roles and responsibilities.

Descriptions

Technical Ratings Descriptions (Combined)

There are two methodologies when conducting a evaluation of technical approach and risk associated with a proposal. The first methodology is a combined technical and risk rating that rolls any risk into the technical evaluation. The end result is a color rating scale. The ratings are divided into five colors/ratings (See Table 1). They descend from the highest rating of Blue/Outstanding to the lowest of Red/Unacceptable. Each of the colors/ratings has a description that assists an SST in assigning a rating. There is ambiguity in some of the definitions.

All of the technical /risk ratings are based on subjective evaluations. A Blue/Outstanding rating, which is the highest achievable combined technical/risk rating, is defined as, “Proposal meets requirements and indicates an exceptional approach and understanding of the
requirements. Strengths far outweigh any weaknesses. Risk of unsuccessful performance is very low.” The key words in this description are the words exceptional and far. A Purple/Good rating is described as, “Proposal meets requirements and indicates a thorough approach and understanding of the requirements. Proposal contains strengths, which outweigh any weaknesses. Risk of unsuccessful performance is low.” The only difference between these two ratings is that a Blue/Outstanding proposal has demonstrated an exceptional approach and its strengths far outweigh any weakness. It is important to note that some strengths and weaknesses may be on unrelated subjects, therefore canceling each other’s value. The subjective technical/risk ratings continue with Green/Acceptable, Yellow/Marginal, and finally, Red/Unacceptable. Of particular note is the Yellow/Marginal rating.

In order for an offeror to receive a Yellow/Marginal rating, their proposal must show that it “does not clearly meet requirements and has not demonstrated an adequate approach and understanding of the requirements. The proposal has one or more weaknesses, which are not offset by strengths. Risk of unsuccessful performance is high.” In a competitive acquisition, the probability that all offerors will receive a Yellow/Marginal rating is low, but it is possible. The concern is that a successful offeror may have a proposal that neither clearly meet requirements nor demonstrates an adequate approach and understanding of requirements. Awarding a contract to such an offeror can only bring execution problems following award. Finally, the Red/Unacceptable rating description states, “Proposal does not meet requirements and contains one or more deficiencies and is unawardable.” Although not a source of confusion, the Red/Acceptable rating description contained in the procedures is redundant in that even one deficiency makes a proposal unawardable so having “one or more” in the description is unnecessary.
Technical Ratings Descriptions (Separate)

SSAs have the option of separating the technical rating from the risk of carrying it out. As detailed above, a combined rating couples the approach and risk into one rating. Many SSAs choose to separate the two for more granularity in proposal evaluation. As with combined technical/risk ratings, the separate technical and risk ratings have similar subjectivity. The technical ratings all reflect the same language as the descriptions in the combined ratings. The same observations are found in the Yellow/Marginal and Red/Unacceptable ratings as the combined ratings.
Separated risk ratings are simply divided in three categories: low, medium, and high. The description of each risk rating is adequate to provide the SST with information to make an evaluation. The ambiguity is assigning one of these three rating and delivering them to the SSAC.
and SSA for consideration. The Low Risk description reads, “Has little potential to cause disruption of schedule, increased cost or degradation of performance. Normal contractor effort and normal Government monitoring will likely be able to overcome any difficulties.” Since this rating is optimal and a normal course of business, the implication is that only technical risks that are medium or high should be detailed to the SSA.

The government drives the amount of detail delivered by offerors in proposals through a variety of request for proposal (RFP) requirements. From evaluation criteria to page count limits, offerors will direct their attention and tell their approach within the constraints provided. Many proposals will have several volumes, which have numbers in the thousands, if not over ten thousand pages. Based on the description of low risk, the SST should detail every subtle design approach in their evaluations for the SSA to consider in making their decision. The individual evaluator worksheets will have this level of documentation, but a presentation to the SSA with this level of truly low risk proposal elements can be overwhelming for both the evaluators and the SSA, while providing little benefit.

**Definitions**

When evaluating proposals, SSTs will refer to definitions contained within the procedures several times a day to ensure compliance with wording. These words are critical in establishing a baseline in which all SSEB members evaluate and advise the SSEB Chairperson and PCO. Within the definitions each word can have dramatically different meanings based on interpretation. Indicators of ambiguities within the definitions were contained in the literal meaning of the wording. If subjectivity within the evaluation is the acceptable approach for source selections, different interpretations in defining terms is a serious concern for the
government. Specifically, five definitions in Chapter 5 of the source selection procedures are ambiguous and lend themselves to different interpretations. They are as follows:

**Deficiency**

The procedures define a deficiency as, “…a material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level. See FAR 15.001.” A distinction needs to be made between a deficient proposal and a deficient approach. This definition speaks to a proposal not containing all the required elements in order to meet a government requirement rather than the approach taken. The second half of the definition refers to risks in approach and a culmination of weaknesses. The significant weaknesses are in approach the offeror is taking to satisfy government requirements. If the written proposal does not meet basic contractual requirements, it would be determined deficient. The definition refers the reader to FAR 15.001. This FAR reference contains the same wording as the procedures so a further reference can only add confusion especially if either the procedures or the FAR changes a word or two.

**Risk**

The definition of risk used in the procedures is very clear and concise. The main focus of the definition is on contract performance. While there is no ambiguity in this wording, other definitions, such as weakness and significant weakness, may conflict with this intent. The procedures define a risk as “…the potential for unsuccessful contract performance.” Whether
combined ratings or separate ratings are used, risk is the assessment of the degree to which an offeror successfully implements their proposed approach.

**Significant Weakness**

A significant weakness in a proposal is defined as, “…a flaw that appreciably increases the risk of unsuccessful contract performance.” A more detailed discussion of the ambiguities of what a weakness is follows below, but the key term in this definition is “appreciably.” This term adds an undefined increase in risk to a proposed approach and leads to confusion for SSEBs. Several SSEBs have struggled with whether the risk to performance is appreciably increased based on what they are evaluating. This definition is ambiguous and should be clarified with others to assist the SSEB in delivering evaluations to the SSAC and SSA. As with the definition of deficiency, a reader of the procedures is directed to FAR 15.001 for another verbatim definition of a significant weakness.

**Strength**

The procedures define a strength as, “…an aspect of an offeror's proposal that has merit or exceeds specified performance or capability requirements in a way that will be advantageous to the Government during contract performance.” As with the terminology of deficiency, as written, the focus should be on the approach to meeting requirements, not necessarily the proposal itself. The proposal is a document that is submitted by offerors in response to an RFP. Proposals contain approaches to meeting government requirements per the instructions in Section L of the RFP. Offerors will often have a compliant proposal that articulates an approach that either has merit or exceeds specified performance or capability requirements. Determining
whether a proposed approach has merit is a subjective assessment. Exceeding specified performance or capability requirements is more of an objective evaluation. In either case, the decision to assign a strength for SSA consideration is based on the approach and not necessarily the proposal quality. This subtle difference is important because other definitions similarly confuse proposal quality with proposed approach.

**Weakness**

Similar to the definitions of deficiency, risk, and strength, weakness focuses on the proposal quality rather than the proposed approach. Many could make the argument that the proposal is representative of the overall approach and any flaw in the proposal can be construed to be a flaw in the approach. Each of the last few source selection that I have been a part of has debated these definitions and whether we should take a literal interpretation of the words or the spirit of the words. The definitions should stand alone for consistent application for any SSEB to do their jobs effectively and efficiently. When reporting evaluation results to the SSAC and SSA, it is common to use the term weakness in briefing slides and Proposal Analysis Reports (PAR), but there may not be an actual flaw in the written proposal. The proposal is likely to meet all requirements of the RFP, but the approach contains risk to the government. The risk is to performance, not necessarily a flaw in the proposal, which runs counter to the definition.

**Discretion**

The source selection procedures are meant to have subjectivity inherent in the process, but the lack of consistency may be creating confusion within the SSEB. As mentioned previously, the procedures describe the roles and responsibilities of key source selection
personnel, but within those descriptions are words such as can and may. Such discretion within
the SST is desirable when comprised of members who are qualified and experienced in
conducting source selections. Discretion in the hands of SST members that lack experience
and/or qualifications can lead to schedule and therefore cost delays.

Appendix B - Debriefing Guide

Source selections are often thought of as the evaluation of proposals. While evaluations
serve a critical role in a source selection, RFP development and debriefings complete the overall
process. A debriefing is the venue for the government to assure an offeror that their proposal was
properly evaluated in accordance with the RFP. A debriefing is technically optional, but the
government should encourage offerors to request the meeting in writing. Appendix B and the
referenced FAR references do a thorough job of describing the contents of a debriefing. The only
area containing ambiguity is in paragraph B.4 Debriefing Location.

Appendix B reference gives the PCO ample amounts of latitude in where and how the
debriefings will be conducted. The location of the debriefings should continue to be mutually
agreed to between the government and offeror, but the means by which it is conducted should
not. The procedures allow the PCO to conduct a debriefing by telephone or electronic means.
The assertion is that face-to-face debriefings should be the norm unless extenuating
circumstances prevent it. The government is obligated to explain its overall evaluation of an
unsuccessful offeror’s proposal. This is not only fair, but demonstrates good will with industry,
which spend considerable resources proposing on the effort.

Interviews Results
In order to supplement a document review, interviews with DoD acquisition personnel added to the research. These interviews, in no way intended to be a representative sample, provided further insight into how the DoD conducts source selections. The opinions and views of DoD acquisition personnel were crucial data points in examining the clarity of the procedures. The people chosen for an interview were based on a variety of factors. The most important factor in determining the contributions of interviewees was level of experience. Experience was further broken down into years of experience within the DoD acquisition system, number of source selections conducted using DoD Source Selection Procedures, years with the government, and current functional specialty. The compilation of all of these criteria provided rich data that supplemented the document review. Interview questions focused on the qualifications and experiences of key source selection personnel, the positives and negatives of the procedures, and their recommendations for improvements. Additionally, questions sought their opinions on what caused any protests and if they believed the procedures were ambiguous in any way. The results confirmed many of the findings made during the document review.

**Length of Source Selections**

The most negative characteristic source selections is the amount of time it takes to complete the process. It is common for ACAT I source selections to take up to a year to complete depending on complexity. A majority of this time is spent going through numerous administrative reviews contained within the procedures and related guidance documents. A mid-level acquisition professional felt frustrated with what appeared to be a complete reversal of priorities. The majority of time should be spent evaluating proposals as opposed to administrative reviews. More senior acquisition professionals agreed with the frustration, but felt
that after some highly visible protest losses, the DoD was focusing their efforts on being able to defend any challenge.

Qualifications and Experience of Key Personnel

Every single respondent, across all experience levels and years of experience, raised the concern with the qualifications and experience of key source selection personnel. The key issue conveyed was the lack of experienced PCOs and program attorneys. A senior DoD acquisition professional stated, “We don’t intentionally put [PCOs] who aren’t ready. We just don’t have experienced bodies.” Inexperienced PCOs have a direct impact on source selection schedules and the quality of products. Combining personnel cuts to the DoD acquisition workforce in the 1980s and 1990s and recent hiring freezes, the experience levels were not re-supplied. Very experienced personnel are beginning to retire and the acquisition professionals without the same levels of experience are taking their place and being promoted more quickly. Many PCOs are reaching the grade of General Schedule (GS) 13 with less than four years of experience. Another senior DoD acquisition professional estimated that the experience level for the same PCO used to be ten years.

The legal community is feeling the same experience drain. Similar to PCOs, attorneys are being moved into large, complex source selections without being fully prepared. In order to lessen the impact of the new reality, organizations have implemented formal mentors to inexperienced PCOs and program attorneys. Formal mentors are typically highly qualified and experienced senior personnel that have conducted several source selections over a large number of years. This situation is not optimal because this practice adds another layer of review and
approval during any source selection requiring additional time, which extends out program schedules.

**Definitions**

The interview responses reinforced document review findings that definitions lacked clarity. As an example, respondents found the definition of a significant weakness to be ambiguous since it appears to address the written proposal and not the overall technical approach. All respondents found the procedures to be a general overview of how to conduct a source selection, but could not be relied upon to provide a clear path to completion. Respondents consistently stated that adding clarity and more specificity to the existing procedures was needed. A junior DoD acquisition professional responded by stating that the definitions were incredibly ambiguous and in his experience, more time was spent debating terms and their applicability than on overall evaluations. This person argued that time spent debating definitions could have been better used moving the evaluations along if the definitions were clearer and in a consolidated location. Of all the concepts in the source selection procedures, the lack of clarity on what constitutes meaningful discussions was mentioned the most during interviews. Respondent concerns focused on driving all offerors to acceptable technical ratings and low risk ratings in the spirit of having meaningful discussions.

**The Positive**

All the DoD acquisition professionals interviewed agreed that the process of conducting a source selection was extremely detailed and thorough. While most respondents disliked the numerous reviews, they acknowledged that the redundancy ensured the government followed the
source selection criteria in their evaluation. It was noted with many of the interviews that this thorough approach did not justify the length of time it takes to complete a source selection. Respondents felt that thorough evaluations could be accomplished with a more condensed schedule.

**Recommendations for Improvement**

The DoD Source Selection Procedures provide the acquisition community general guidelines for conducting a source selection, but need to be clarified for consistent application of processes. A thorough review of both guidance documents and interview responses revealed five areas for improvement: subjectivity of the process, experience of key source selection personnel, definitions, length of the process, and consolidated guidance.

**Subjectivity within the Source Selection Process**

The DoD source selection process is meant to be a subjective evaluation of an offeror’s proposal against RFP requirements. Even a LPTA acquisition requires a team to determine technical acceptability. Subjectivity requires SSEB members to be highly experienced to both evaluate proposals and document the rationale for applied ratings. The issue of subjectivity also implies that two people may not see the same information in the same manner. The process is established to have the SSEB evaluate proposals and document results with a recommended rating. The SSAC, if used, then looks at the same information and may have a different position, technical, and risk rating. After discussion, the SSA will get some version of the information and apply yet another subjective view of the information. While all the information is based on established criteria, the bottom line is that the SSEB has the most knowledge, but the SSA’s
decision is the only one that counts. Qualifications and experience of all members of the SST is critical if DPAP continues to use subjective evaluations in source selections. There is certainly merit in the idea of developing objective criteria. But as with any other strategy decision, the decision to be completely objective has to be dependent on the context. Subjectivity allows the government flexibility in determining the best value to the taxpayer. The DoD needs to continue to retain subjectivity in evaluations otherwise complex source selections will be little more than a LPTA acquisition. Even LPTA source selections require subjectivity in determining technical acceptability, but creating objectively based criteria in an acquisition that is better suited for a full cost/performance tradeoff is a faulty foundation on a very large and expensive program.

Instead, the DoD should provide additional guidance and templates on RFP development, on the use of subjective criteria, and the subsequent evaluation. Developing the RFP in accordance with an approved acquisition strategy is the first step in determining the feasibility of objective versus subjective criteria. If the strategic decision is to not allow subjective criteria in RFPs, then DPAP needs to eliminate the option of using subjectivity from the procedures for Program Managers and PCOs when developing acquisition strategies. A one-size-fits-all approach typically is not good for any acquisition let alone all of them. In order to keep subjective processes, key source selection personnel must be fully trained and qualified on how to implement and document subjective evaluations. Subjective evaluations require qualified and experienced personnel as well as well-defined technical requirements and evaluation criteria.

*Experience of Key Source Selection Personnel*

DoD Source Selection Procedures require that key source selection personnel are qualified and trained in evaluation and documentation techniques. The only mention of any
senior-level approval is when the SSA signs the SSP. The procedures state that the SSA will ensure that members are qualified and trained in conducting source selections. However, this is not a reasonable responsibility without some validation of experience. Fully trained SST members are critical to understand the intricacies of the process and the meaning of key terms contained in the procedures. In order to maximize the effectiveness of source selection procedures that use subjective evaluations, SST members must be experienced in conducting source selections. The recommendation is that for ACAT I source selections, the SSEB Chairperson, PCO, and attorney should require approval from their respective Senior Acquisition Executives and be coordinated by the SSA. Minimum qualifications would include Acquisition Professional Development Program level III certification, as functionally applicable and at least two other lower ACAT source selections as experience with at least one being in a key position. The procedures should prohibit mentoring programs in lieu of qualified and experienced key personnel. Increasing the expectations and visibility of key source selection personnel approval will ensure that qualified and experience personnel are leading source selections.

Definitions Clarity

Some of the definitions contained in the procedures are ambiguous enough to cause confusion within SSEBs during evaluation. This confusion is enough to cause schedule delays during evaluation, reviews, and eventually the SSA decision. The remedy for these ambiguities may be as simple as rewording the definitions for clarity. Refining the ambiguous definitions will assist SSEBs in both their evaluations and reporting of results to the SSAC and SSA. Clearer definitions would significantly contribute to streamlined reviews. Most of the definitions contained in the procedures are clear and concise for SSEBs to implement and apply to
evaluations. However, there are four that need to be clarified within the procedures: deficiency, significant weakness, strength, and weakness. Currently, these definitions appear to focus on compliance with proposal requirements and not necessarily the offeror’s proposed approach. I propose that the definitions in both the procedures and FAR 15.001 should read as follows:

Deficiency is a material failure of a proposal requirement or a proposed approach to meet a Government requirement or a combination of significant weaknesses in a proposed approach that increases the risk of unsuccessful contract performance to an unacceptable level. See FAR 15.001.

Significant Weakness means a risk in the proposed approach that considerably increases the possibility of unsuccessful contract performance over the level of a Weakness. See FAR 15.001.

Strength is an aspect of an offeror's proposed approach that exceeds specified performance or capability requirements. All Strengths will become contractually binding and enforceable following contract award.

Weakness means a risk in the proposed approach that increases the possibility of unsuccessful contract performance. See FAR 15.001.
Length of the Source Selection Process

That source selections take a significant amount of time to accomplish will not surprise or shock anyone who has worked in the DoD acquisition system for any length of time. The problem arises when source selections schedules begin to take upwards of a year or more to finish. There are many reasons for lengthy evaluations. The actual evaluation period is rather short. A sizeable amount of those schedules can be attributed to the availability of the SSAC and SSA, as well as other numerous, and sometimes duplicative, reviews. Opportunities for streamlining need to be reviewed to accomplish two things: maximize evaluation periods and remove duplicative reviews or other unnecessary process steps. The recommendation is that DPAP formalize peer reviews in the procedures and create wording to discourage duplicate reviews locally. As an example, the Air Force conducts a Multi-Functional Independent Review Team (MIRT) that reviews many of the same items as the OSD Peer Review. As a minimum, if the agency is insistent on having their own localized review, they should combine the efforts with the OSD Peer Review team. Combining or removing duplicative reviews, as in this example, can save weeks of schedule for an SSEB.

Consolidation of Guidance

Although the title of the DoD Source Selection Procedures seems to imply that it represents a single source for conducting a source selection, the reality is that there are several documents that exist that must be assembled by a SST. All source selection guidance is not consolidated in one location. DoD acquisition personnel need to search in several locations in order to fully understand the steps required in a source selection. Each source selection reference refers the acquisition personnel to other guidance documents. This splintered guidance needs to
be consolidated into a single procedure that can be referenced for successful source selection execution. Guidance is interspersed within the procedures, the FAR, DFARS, PGI, and policy memorandums. The recommendation is that a comprehensive review be accomplished that seeks to consolidate all references to source selection guidance into a single source selection procedural document. This will allow SSTs to rely on a single authoritative source for conducting a source selection. As currently in place, a SST can easily overlook a reference that defines a process or procedure. Hoping that they have all the required guidance in hand is not the optimal strategy for DoD acquisition professionals.

**Summary**

DoD acquisitions face significant challenges in procuring major weapons systems. The first step is to have clear procedures developed that are easy to implement. Procedures that are ambiguous are destined to impact source selection schedules. In times of significant budget restrictions, it is imperative that the DoD cut inefficient processes and develops guidance that maximizes savings. These relatively minor improvements to the DoD Source Selection Procedures do not require a complete paradigm shift within the acquisition community.

Formulating clear and effective recommended process improvements can alleviate many of the ambiguities contained within the procedures. Each change is relatively small when compared to the enormity of acquiring a major weapons system. If the DoD chooses to continue to do business as usual, it will continue to experience significant losses in terms of both time and critical taxpayer dollars. This will accomplish several benefits, but most importantly within the DoD, is the support to the warfighter. It is easy to lose sight of why major acquisition systems are acquired. It is clear that arming and protecting the warfighter should be the top priority to
Program Managers. While there are no guarantees that small changes will save millions of dollars, if we do nothing we are guaranteed that everyone from the taxpayer to the warfighter will lose in the end.
ENDNOTES


5 The term Offeror is defined as the company or individual providing a quote or proposal in response to a Request for Quotation or Proposal. The term indicates the status of the company or individual during a source selection, but before a contract award.


7 There are primarily four ACAT levels, I, IA, II, and III. ACAT III programs “...do not meet the criteria of either ACAT I, IA, or II programs”. ACAT II programs “...do not meet the criteria for ACAT I programs” and have expected expenditures of $140 million in research, development, test and evaluation (RDT&E) or $660 million in procurement fiscal year 2000 constant dollars. The Milestone Decision Authority (MDA) either designates ACAT IA programs as an automated information system or the program expects to exceed expenditures of $32 million, $126 million, or $378 million depending on deliverable increments. ACAT I programs have required expenditures of $365 million in RDT&E or $2.190 billion in procurement fiscal year 2000 constant dollars.


9 Ibid.

10 Ibid.

The DAU has over 100 classes in their curriculum dedicated to acquiring major weapons systems.

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Vernon Edwards is a published author, and lecturer on Federal Contracting. He is often consulted as an expert in the field of Federal Contracts and the interpretation of Federal Acquisition Regulations.

Steven Briggerman is a Professorial Lecturer in Law


James Bradshaw and Su Chang conduct research in Defense acquisitions. They both work for the MITRE Corporation.


Ibid

Ibid

Ibid
Source Selection Improvements: Experience Required

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ABSTRACT

“Source Selection Improvements: Experience Required”

Joseph “JP” Peloquin, DoD Acquisitions

The purpose of this research is to identify areas of weakness within the DoD Source Selection Procedures and related guidance and to provide recommendations for improvements to the process. The goal of this research is to understand the steps and any ambiguities or areas of discretion within the source selection process and provide recommendations for improvement.
Keywords

Source selection procedures, ambiguities, improvements, discretion
Background

The Department of Defense (DoD) is one of the federal government’s largest acquirers of services and supplies in the federal government.¹ By awarding over a million transactions totaling in the hundreds of billions of dollars each year, the DoD is faced with establishing clear, concise, and consistent guidance for acquisition personnel to follow when selecting contractors.²

In response to these concerns, formal source selection procedures were issued in 2011 to assist agencies in conducting source selections for negotiated, competitive acquisitions. Because source selections have such a significant impact on both industry and mission requirements, the DoD should clarify the procedures to eliminate unintended discretion, fractured guidance, and poor communications with offerors. This can be accomplished by examining the source selection process, clarifying limits on roles and responsibilities, consolidating procedures under a single referenced document, and encouraging open communications with offerors.

The DoD recognized that centralized source selection procedures were needed to standardize how business is conducted. Current fiscal realities dictate that there is a limited amount of money to conduct an acquisition once let alone more than once if a protest is filed and sustained. In fiscal year 2012, the DoD awarded contracts in excess of $366 billion, with 57% of those dollars being award by way of competition.³ The department recognized that the volume and size of these contracts and took the step of centralizing the process of selecting contractors. In March 2011, the Defense Procurement and Acquisition Policy (DPAP) office published the *Department of Defense Source Selection Procedures* to be used when “…conducting negotiated, competitive acquisitions” utilizing Federal Acquisition Regulation Part 15. These procedures are
established to standardize how acquisition professionals select offerors\textsuperscript{4} that are interested in doing work for the government.

The focus on process standardization created unintended procedural consequences for acquisition professionals on source selection teams. This can result in confusion or incorrect interpretation of processes and can lead to proposal evaluation issues and subsequent protests from offerors. Acquisition professionals involved in source selections are responsible for ensuring that procedures are followed in a manner that ensures fair and equitable treatment amongst all offerors. This is not an easy task due to the variety of systems the DoD acquires and the associated reviews that are mandated.

The purpose of this study is to understand any ambiguous language within the DoD source selection procedures. This goal of this study is to identify the impacts of procedural ambiguities within the DoD source selection process and provide recommendations for improvement. Underlying this research goal is the following proposition: DoD source selection procedures are ambiguous in regards to reviewer discretion and SST manning to the point that the ability to consistently conform to the established procedures has become a challenge for acquisition personnel. This inconsistent application is causing impacts to cost, schedule, and warfighter needs in a variety of ways.

**Previous Research**

The DoD acquisition system has been researched on several different occasions with various results. Specific studies have addressed how the DoD conducts source selections. Each of these studies focused on various aspects of the process from Request for Proposal (RFP) development to debriefings and most steps in between. The DoD Source Selection Procedures attempt to standardize procedures for selecting contractors, but the improvements are based on
processes that have proven to be complex in the past. Part of the problem is the lack of understanding and experience among acquisition personnel on what steps are required to select a contractor due to the ambiguity of the procedures and discretion of various reviews in making a decision recommendation. Previous DoD research identified lack of experience as a problem and implemented standardized procedures to address inefficiencies.

Stephen Maser and Fred Thompson found that discretion by acquisition professionals interpreting DoD source selection procedures was causing a variety of negative interactions between the government and offerors. When offerors are unsuccessful in proposing on an acquisition, source selection procedures afford them a debriefing, if requested. These debriefings varied in depth and detail from a single presentation slide with minimal information delivered from a government contracting officer to a detailed two-day briefing provided by a multi-functional government team consisting of contracting officers, program managers, engineers, and attorneys. This type of discretion (providing sufficient information to the offerors) requires that acquisition personnel be experienced in source selection procedures. Knowing how much information to provide to offerors comes with experience.

Their recommendations focus on improving communication and transparency, as well as having well-trained government acquisition members. Enacting these steps will mitigate the probability of bid protests, thereby allowing programs to be awarded in a timely manner. These recommendations only scratch the surface of the need for transparency between the government and industry. Most government agencies operate in an atmosphere of fear of protest, but the process can be improved with increased communication, as Maser and Thompson offer. The decision to hold information back continues to remain in DoD source selection procedures and that is part of the problem.
Scope of the Research

The goal of the research was to examine the DoD source selection procedures and related guidance to make recommendations for improvement. The research consisted of a mixed methods study, which included reviews of procedures, regulations, and other policies that direct the source selection process and interviews with DoD acquisition personnel. The Department of Defense Source Selection Procedures is a set of guiding principles that assist acquisition professionals in evaluating proposals. However, the DoD source selection processes and procedures are not consolidated in a single document. With a document entitled, *Department of Defense Source Selection Procedures*, an outsider might expect to find all matters relating to how to conduct a source selection contained in this location. Four documents were thoroughly examined as a result of this research. They include the *Department of Defense Source Selection Procedures, Federal Acquisition Regulation Part 15.3*, *Defense Federal Acquisition Regulation Part 215.3*, and *Procedures, Guidance, and Information*. Other FAR parts were briefly examined as a result of a reference in one of the primary documents listed above. The main document under examination was the *Department of Defense Source Selection Procedures*.

Responses to interview questions from current and retired DoD acquisition personnel were crucial in examining the clarity of the procedures. These individuals provided opinions and perspectives that supplemented and sometimes countered written guidance. People interviewed represent a range of experience as well as grades and source selection experience. Each response contributed to the examination of the source selection process. Respondents were asked a variety of questions about their experiences with the procedures. Other questions focused on the qualifications and experiences of key source selection personnel, the positives and negatives of
the procedures, and their recommendations for improvements. Additionally, questions sought their opinions on what caused any protests and if they believed the procedures were ambiguous in any way. The results of the responses confirmed some of the findings made during the document review.

Previous research studies examined the environment in which acquisition professionals operate daily and this information was valuable in laying out different issues with the procedures, especially previous attempts at source selection reforms. Interviews filled in knowledge gaps within the procedures and regulatory guidance by gathering the views and opinions from a variety of experience-leveled acquisition professionals. Research compared the steps required in the procedures with interview responses to determine if acquisition personnel are executing procedures consistently. The goal was to evaluate DoD policy focusing on where reviewer discretion could be reduced/better managed and to support the staffing SSTs in an efficient and effective manner.

**Findings**

An examination of the DoD procedures as well as associated guidance documents revealed areas that either deserve refinement or are missing completely. The procedures consisted of a document that provided general guidance for DoD acquisition professionals to navigate a source selection. The direction provided is detailed at times and other times completely dependent on subjective interpretation of the source selection team. Of significant importance is the splintered nature of the guidance and procedures. A thorough review of both guidance documents and interview responses demonstrated areas that either lend themselves to clearer language or are missing direction altogether. Three key findings are the result of this
research: unbounded discretion within the review process, manning of SSTs to include the role of FFRDC and A&AS advisors in the process.

**Discretion**

While the procedures lay out the roles and responsibilities of key source selection leaders such as the SSA, the SSAC, the SSEB, advisors, and Procuring Contracting Officer (PCO), they fail to address legal counsel or any other reviewer involved in the process. These positions are important due to the nature of the reviews they perform. Reviewers are typically subject matter experts that serve a critical role in providing comments and recommended improvements to the evaluation process. The procedures are silent on limitations of authority for these reviewers. These omissions can have real impacts to source selection schedules. The source selection process is set up so that each of these reviews is meant to assist the SSEB in the quality of their evaluations and related documentation. In the absence of limitations on authority, many of these reviews may use their discretion to delay a source selection schedule if they feel their position is not being addressed. Since the procedures are silent on these reviewers’ roles and responsibilities, it is understandable that these reviews would feel empowered to assure compliance with their positions. Interview responses supported the document review findings.

Many of the interview participants conveyed a sense of frustration with the discretion many reviewers take in the source selection process. Although not expressly granted in the procedures, many reviewers will use a source selection review event as an opportunity to hold up a source selection until documentation is modified to their approval. Respondents voiced confusion with these positions since it is common for different reviewers to have completely different perspectives on an evaluation. This leaves the SSEB in a precarious position of needing
to choose which opinion or perspective to follow. Additionally, reviewers will put comments in writing for resolution by the SSEB. The SSAC and SSA want to see that all comments are completely adjudicated to the satisfaction of the review team. In total, this empowers the reviewers with discretion to delay source selections until all comments either agreed to or sufficiently explained as to why the SSEB disagrees. Respondents concluded that reviews are necessary, but many times reviewers ask questions or make comments because they are unfamiliar with the acquisition in question. This discretion is what frustrated interview respondents the most.

**SST Staffing**

Building a team of qualified and experienced acquisition professionals can be challenging to the limited amount of people available that meet this criterion. Organic government resources are not always available to fully staff a SST. The situation of limited manning is exacerbated by the reality of Federally Funded Research and Development (FFRDC) and Advisory and Assistance Services (A&AS) mission partners carrying a significant portion of program management office (PMO) workloads to assist organic capabilities. FAR 7.503(d)(8) effectively clears contractors to provide technical evaluation of contractor proposals, but FAR 37.2, *Advisory and Assistance Services* makes a daunting staffing task even worse by requiring the Head of the Agency to look across all federal agencies for manpower to fill a need before approving the use of A&AS personnel on a source selection.\(^{11}\) FAR 37.2 provides an efficient and effective goal in the use of government organic resources, but it is not based on the reality of today’s federal agencies. Taken literally, the requirements of FAR 37.2 would require the Head of the Agency to contact every other agency head to see if they had the requisite skills to assist in
a source selection. The regulation goes on to require consideration of the cost of the search needs to be considered when taking the aforementioned action.

The roles and responsibilities of advisors are not as clear in the procedures and may actually contradict other FAR references. The use of government advisors is clear, since they can fill practically any role the SSA requires provided there is no indication of an organizational conflict of interest (OCI) due to family, close friends, or financial holdings in an company proposing on an effort. The conflict arises with the use of non-government advisors. The procedures state that the, “Use of non-Government personnel as advisors may be authorized, but should be minimized as much as possible.” We have already determined that experienced and qualified manpower may be difficult to find, but encouraging SSAs and SSEB Chairpersons to look elsewhere for skills is a frustrating and typically fruitless effort since agencies are not set up in an accommodating manner.

The reality in large dollar source selections is that a completely experienced and qualified SST is unlikely due to availability of manpower. And the probability of a completely experienced and qualified organic government SST is close to zero. The need for contract support is the byproduct of previous federal government decisions to reduce the civilian and military workforce but regulations and guidance have not appeared to have caught up with the realities of conducting today’s large dollar source selections.

Interview respondents each raised the concern with the qualifications and experience of key source selection personnel. This concern spanned all respondent experience levels and years of service. The key issue conveyed was the lack of experienced PCOs and program attorneys. A senior DoD acquisition professional who was interviewed stated, “We don’t intentionally put [PCOs] who aren’t ready. We just don’t have experienced bodies.” The respondent continued by
stating that inexperienced PCOs are having a direct impact on source selection schedules and the quality of products. This comment was echoed by many respondents. Combining personnel cuts to the DoD acquisition workforce in the 1980s and 1990s with recent hiring freezes, the experience levels were not re-supplied and the effects are being felt. Very experienced personnel are beginning to retire and the acquisition professionals taking their place are being promoted more quickly. Many PCOs are reaching the grade of General Schedule (GS) 13 with less than four years of experience. Another senior DoD acquisition professional estimated that the experience level for the same PCO used to be ten years.

The legal community is feeling the same experience drain. Similar to PCOs, attorneys are being moved into large, complex source selections without being fully prepared with experience and expertise. In order to lessen the impact of the new reality, organizations have implemented formal mentors to inexperienced PCOs and program attorneys. Formal mentors are typically highly qualified and experienced senior personnel that have conducted several source selections over a large number of years. This situation is not optimal since adding another layer of review and approval during any source selection requires time, which extends out program schedules.

**Recommendations for Improvement**

Based on these findings, it is clear that the procedures need to better limit the discretion of reviewers and key source selection leaders, the composition of SSTs, and correct the challenge of using Advisory and Assistance Services (A&AS) contract support to conduct source selections.

*Discretion within the Source Selection Review Process*
The DoD Source Selection Procedures are designed to have a certain level of subjectivity in the proposal evaluations. In order to control or limit reviewer discretion, the recommendation is to provide additional guidance within the procedures to have the SSAC adjudicate any issues of disagreement. This can be as simple as creating a section within the procedures that unambiguously outlines the roles and responsibilities of any review team. For example, review teams should explicitly be told that they will be fully prepared for the review by reading all evaluation documentation in advance of the review and any disagreement will be resolved by the SSAC (if used) or the SSA in the case of lower-level ACAT acquisitions.

**Manning of Source Selection Teams**

DoD Source Selection Procedures require that key source selection personnel are qualified and trained in evaluation and documentation techniques. The only mention of any senior-level approval of manning is when the SSA signs the SSP. Since the availability of fully qualified and experienced government personnel is sparse, FFRDC and A&AS personnel should be approved to advise evaluators without special approval in the FAR. All references to Heads of Activities searching for available government personnel should be reduced to encouragement only. The procedure and FAR should be revised to automatically approve the use of FFRDC and A&AS personnel. This change will ensure that qualified and experienced personnel are a part of SSTs. This is experience that the government is paying for, so fully utilizing the talent should be encouraged.

The SSA should be authorized to use FFRDC and A&AS personnel as advisor in an evaluation provided an OCI situation is not present. Fully trained organic SST members are
critical to understand the intricacies of the process and the meanings of key terms contained in
the procedures, but are not readily available based on a significant contractor presence in PMOs.

Summary

DoD acquisitions face significant challenges in procuring major weapons systems. Procedures that are ambiguous or unclear are destined to impact source selection schedules. In times of significant budget restrictions, it is imperative that the DoD cut inefficient processes and develops guidance that maximizes savings. This will accomplish several benefits, but most importantly within the DoD, is the support to the warfighter. Recommended improvements to the DoD Source Selection Procedures do not require a complete paradigm shift within the acquisition community. Small steps towards improvement can have dramatic effects not only on source selections, but responsiveness to the warfighter.

By limiting review discretion, assisting SSAs with manning, and effectively using contractors on source selections, the DoD can experience greater efficiencies in source selections. Inefficient source selection procedures not only slow acquisitions to unacceptable levels, but in a worst-case scenario, protests will be filed. Successful protests may lead to source selections that are forced to start over from the beginning. Formulating clear and effective recommended process improvements can alleviate many of the ambiguities contained within the procedures. Each change is relatively small when compared to the enormity of acquiring a major weapons system. If the DoD chooses to continue to do business as usual, it will continue to experience significant losses in terms of both time and critical taxpayer dollars. While there are no guarantees that small changes will save millions of dollars, if we do nothing we are guaranteed that everyone from the taxpayer to the warfighter will lose in the end.
ENDNOTES


4 Offeror is defined as the company or individual providing a quote or proposal in response to a Request for Quotation or Proposal. The term indicates the status of the company or individual during a source selection, but before a contract award.


6 Ibid


BIBLIOGRAPHY


APPENDIX A – INTERVIEW GUIDE

1. How many years of experience do you have with the DoD acquisition system?
   a. Less than 3 years
   b. 4 - 10 years
   c. 11 - 15 years
   d. 16 - 20 years
   e. 21 or more years

2. How many DoD source selections have you participated in that required the use of DoD Source Selection Procedures?
   a. 1-3
   b. 4-6
   c. 7-9
   d. 10 or more

3. What is your current functional specialty?

4. What is your experience with DoD source selection procedures?

5. What are your experiences with the qualifications of key source selection team leaders (e.g., SSEB Chairperson, PCO, Attorney, Factor/Subfactor leads)?

6. What is your experience with a senior leader, without explicit authority per DoD Source Selection Procedures, creating re-work or schedule delays?

7. Did any of your source selections result in a protest?
   □ Yes – If Yes, go to question 8
   □ No – If No, skip question 8 and go to question 9

8. In your opinion, what was the underlying reason(s) for the protest? (Please include a discussion as to whether the protest was sustained)

9. In your opinion, what do you feel was the reason(s) for a lack of protest?

10. What level of the federal government acquisition system do you currently work in?
    a. DoD
b. DoD military department (e.g., Air Force, Army, Navy)
c. Other federal agency
d. Contractor (includes Advisory and Assistance Services, Federally Funded Research and Development Centers, and Defense Contractors)
e. Other (insert level) _________________________________

11. What source selection procedures and/or processes would you recommend changing, deleting, or adding?

12. What are your positive attributes with how the DoD conducts source selections?

13. What are your negative attributes with how the DoD conducts source selections?

14. Do you find the DoD Source Selection Procedures ambiguous in any way?

15. Is there anything I did not ask that you think is important to ask?
The following codes were used during document reviews and interview transcripts. Each code identifies portions of the Department of Defense Source Selection Procedures that fall into pre-defined definitions. These codes were used to determine patterns for further examination.

**Discretion** - This reference indicates an area of discretion either overtly or by omission.

**Process Step** - This information contains reference to a required step in the source selection process.

**Previous Reform Initiative** - This indicates a reference to a previous study, recommendation, or change to procedures.

**Definition** - This reference defines a key term or process.

**Ambiguous Language/Reference** - This is an indication of ambiguous language, an omission, or a lack of clarity.

**Process Information/Direction/Explanation** - This information informs and/or directs the acquisition professional on the acquisition.

**Statutory Reference** - This reference is mandatory by law.

**Regulatory Guidance** - This guidance is the implementation of United States Code and will be limited to no lower than the Department of Defense level.

(Subcode) **Defense Federal Acquisition Regulation Supplement**  
*(DFARS) Reference* - This reference is the DoD supplement to the Federal Acquisition Regulations (FAR).

(Subcode) **Federal Acquisition Regulation (FAR) Reference** - This guidance is the federal government's implementation of statutory requirements.

(Subcode) **Procedures, Guidance, and Information** - This reference is additional guidance on DFARS procedures at the DoD level.

(Subcode) **Department of Defense Instruction** - This regulatory guidance is put out by the DoD to supplement procedures.

(Subcode) **Other Guidance** - This references any guidance that doesn't fall in any other pre-identified category.
APPENDIX C – CONSENT FORM

INFORMED CONSENT

Northeastern University, Department of: College of Professional Studies, Doctorate of Law and Policy
Name of Investigator(s): Neenah Estrella-Luna, Ph.D., Joseph “JP” Peloquin, Doctoral Candidate
Title of Project: Department of Defense Source Selection Procedural Ambiguities

Request to Participate in Research
We would like to invite you to take part in a research project. The purpose of this research is to determine whether ambiguities within the Department of Defense’s source selection procedures exist and their subsequent impacts.

The study will take place at a time and place that is convenient for you. The interview will take about 30 minutes. There will not be a follow up interview. If you decide to take part in this study, we will ask you to respond to interview question about Department of Defense source selections.

The possible risks or discomforts of the study are minimal. The only reasonable foreseeable risk to you is a loss of confidentiality. This risk is extremely low due to precautions being taken to protect identities. Each interview sheet will have both the name and a unique numerical identifier assigned. Following the interview, only the identifier will be used and the original interview sheet and notes will be electronically filed behind two levels of password protection on the researcher’s laptop. The laptop will be backed up weekly to a cloud environment that is password protected as well. Audio recordings of interviews will be stored in the same manner.

There are no direct benefits to you for participating in the study. However, your answers may help us to learn more about ambiguities contained within Department of Defense source selection procedures.

Your part in this study will be handled in a confidential manner. Only the researchers will know that you participated in this study. Any reports or publications based on this research will use only group data and will not identify you or any individual as being of this project.

The decision to participate in this research project is up to you. You do not have to participate and you can refuse to answer any question. Even if you begin the study, you may withdraw at any time.

You will not be paid for your participation in this study.

If you have any questions about this study, If you have any questions about this study, please feel free to contact Joseph “JP” Peloquin, 719-964-0118 (cell), the person mainly responsible for the research. You can also contact Dr. Neenah Estrella-Luna at 617-373-6472, the Principal Investigator.

If you have any questions about your rights in this research, you may contact Nan C. Regina, Director, Human Subject Research Protection, 960 Renaissance Park, Northeastern University, Boston, MA 02115. Tel: 617.373.4588, Email: n.regina@neu.edu. You may call anonymously if you wish.

You may keep this form for yourself.

Thank you.

Neenah Estrella-Luna, Ph.D.